

REMARKS/ARGUMENTS

This Amendment and Response is promptly filed to place the above-referenced case in condition for immediate allowance.

The status of the claims is as follows:

Cancelled: None;

Amended: 15 and 20;

Added: None;

Currently outstanding: 1-53.

No new matter has been added to the application.

From the outstanding Office action: Claims 1-14 and 25-53 are allowed; Claims 15,16 and 21-23 are rejected; and Claims 17-19, and 24 are objected to.

Applicants have amended the claims to reflect the relevant subject matter. Claim 15 has been amended to indicate the automatic maintenance of the fluid level in an inverted bottle type delivery system and claim 20 has been amended to indicate that the membrane-forming member intermittently engages the bubble loop.

A telephonic interview was conducted between the Examiner and Applicants' representative Andrew Jordan on or about January 6 and/or 12, 2004. In that interview, the Examiner indicated that the language of the amendment for claim 20 would confer allowability to that claim (and consequently its dependent claims) while the Examiner took under advisement the "automatically" language constituting the amendment to claim 15.

Subsequently the Examiner required a written response with respect to the discussed changes.

The amendments to the claims have been made in order to better set forth and indicate subject matter Applicants believe constitute their invention. No narrowing amendment to conform with statute has been made in the application by the amendments to the claims.

The Examiner rejected claims 15 and 16 under 35 U.S.C. § 102 (b) as being anticipated by the Feder '052 patent. The Examiner considered the Feder reference to disclose a bubble solution supply system having a housing, a channel and an inverted bottle. However, as now indicated by amended claim 15, Applicants' system automatically maintains a fluid level while the Feder system does not. In the Feder '052 system, while it may be conceivably possible to have the bubble solution fluid level maintained, such maintenance is not automatic. Instead, a valve 20 must be manually engaged in order to supply fluid from the inverted bottle 12 to the bowl 14.

As claim 15 now requires the automatic maintenance of the fluid level, and as none of the references show, indicate, or teach such automatic fluid maintenance either alone or any reasonable combination there of, Applicants believe that claims 15 and 16 are patentable over the cited references.

The Examiner rejected claims 20-23 under 35 U.S.C. § 102 (b) as being anticipated by the Thai '764 patent.

As a result of the prior interview, Applicants believe that claims 20-23 are patentable over the cited prior art due to the intermittent engagement of the bubble loop due to the air pressure supplied by the fan. The Thai '764 system does not have such a feature nor do any of the other cited references. As a result, no anticipation of Applicants' claims, including claims 20-23, is believed to arise from the Thai '764 patent reference or any of the other references.

None of the claims are made obvious by the Thai '764 patent either alone or taken in any reasonable combination with any of the other cited art.

Additional references were previously cited by the office, but none of these have been relied upon as a reference against Applicants' claims. Consequently, no further comment is deemed necessary.

In view of the above, the Examiner is respectfully requested to reconsider his position in view of the remarks made herein and the structural distinctions now set forth. The Examiner's rejections of the outstanding claims are believed to no longer apply. It is now believed that this application has been placed in condition for allowance, and such action is respectfully requested. Prompt and favorable action on the merits is earnestly solicited. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

The statements made herein with respect to the disclosures in the cited references represent the present opinions of the undersigned attorney. In the event that the Examiner disagrees with any of such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective references providing the basis for a contrary view.

If the Examiner believes that a telephone or other conference would be of value in expediting the prosecution of the present application, enabling an Examiner's amendment or other meaningful discussion of the case, Applicants invite the Examiner to contact Applicants' representative at the number listed below.

With the above-referenced changes, it is believed that the application is in a condition for allowance; and Applicants respectfully request the Examiner to pass the application on to allowance. It is not believed that any additional fees are due; however, in the event any

additional fees are due, the Examiner is authorized to charge Applicants' Attorney's Deposit
Account No. 03-2030.

Respectfully submitted,

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DMC/ASJ/ch

Enclosure

Acknowledgement Postcard

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